APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,500	09/03/2004	Oliver Okrongli		2839

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EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/506,500	OKRONGLI, OLIVER
	Examiner	Art Unit	
	Chuck O. Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-12</u> is/are pending in the application.

    4a) Of the above claim(s) <u>2</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☒ Claim(s) <u>11</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to application filed 02/01/07.

2.   Claims 13– 12 have been amended.

Claim Objections

3.   Claim 11 is objected as being in improper form because it doesn't depend on a prior claim. Claim 11 is disclosed as being dependent on claim 13.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 13– 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. USPN 5,987,246 in view of Simonyi USPN 5,790,863.

Regarding claims 1 and 12, Thomsen discloses method for machine-executable information processing, representing information in a hierarchical data structure

consisting of at least two hierarchy levels, wherein the structural configuration can be

modeled by input means (4:30 – 40, see process model input and out put variables and

constructs graphical diagram) the contents of an element can either

a) be manipulated by input means (4:27 – 35); or

b) be determined by machine-evaluating an expression, which can be

manipulated by input means, said expression being able to contain a reference to at

least one other element (4:33 – 40, see machine language and execute instructions).

Although, Thomsen's graphical diagram does include a diagram editor 30,

Thomsen doesn't expressly disclose wherein in particular, by enabling the insertion of

new hierarchy levels and the addition of new elements within existing hierarchy levels

the hierarchy levels are capable of containing elements, each of which is at least able to

contain contents, which consist either a) in an elementary structure, whose

configuration is not modelable for the purpose of this method; or b) in an aggregate

structure, which constitutes a hierarchy level subordinate to the corresponding element,

a sub-hierarchy can be added subordinate to an existing hierarchy level. However,

Simonyi in an analogous art of creating and generating hierarchical tree structures (see

abstract) discloses a program tree structure (5:40 – 50) which is creates and modifies

program trees and is able to insert nodes (tree elements) into the program tree as well

as a subtree (6:21 – 30, see subtree). Therefore it would have been obvious to one or

ordinary skills in the art at the time the invention was made to combine Thomsen and

Simonyi because it would enable providing a display representation generator for

generating representation of the program tree (Simonyi, 2:1 – 7).

Regarding claim 3, method according to claim 1, wherein modeling is carried out in an object-oriented way, by having a class structure represent the configuration and properties of a number of aggregate structures of the same kind separately from their individual contents (Simonyi, 5:40 – 50).

Regarding claim 4, method according to claim 1, wherein parameters for the elements' representation and editing modes are manipulatable by input means (4:25 – 35).

Regarding claim 5, method according to claim 4, wherein multiple sets of parameters may exist per element with one of said parameters sets becoming effectual depending on the results of manipulatable expressions (2:45 – 55).

Regarding claim 6, method according to claim 1, wherein all information, including meta information, is stored persistently, particularly in an object-oriented or relational database (5:15 – 20, see data acquisition and store).

Regarding claim 7, method according to claim 1, wherein the expression evaluation is carried out in an optimized way by

a) marking the result of an expression invalid if, and only if the expression was
modified or the contents of an element referenced by the expression were modified or
became invalid (10:7 – 12) and

b) updating the result on an expression not until it is needed for representation or
in the course of computing another result (4:53 – 57, see resultant icons and editor).

Regarding claim 8, method according to claim 1, wherein the system architecture
allows for a distribution of functions, which enables separate processing for:

a) visualization and editing of information and meta information (FIG.1, 30 see
diagram editor);

b) serving information and meta information, in particular for purposes of
visualization and editing or for input and output directed at external system (FIG. 7, see
configuration and type information);

c) parallel evaluation of expressions by means of any number of processors
(8:27 – 33).

Regarding claim 9, method according to claim 1, wherein the expression
evaluation can be extended with external (user-defined) functions (5:60 – 6:10).

Regarding claim 10, method according to claim 1, wherein upon request an
external process is notified about changes or invalidations of selectable structure

components (6:25 – 30, see receive signals).

Regarding claim 11, software product containing components, which execute in

conjunction with hardware a method according to any one of claims 1, 3 to 10, or 13

(4:18 – 22, hardware components).

Response to Arguments

6.   Applicant's arguments with respect to claims 1 - 12 have been considered but are

moot in view of the new ground(s) of rejection.

Correspondence information

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chuck Kendall whose telephone number is 571-272-

3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the

organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ck.